

United States District Court
for the
Middle District of Pennsylvania
FILED
WILLIAMSPORT

JUL 11 2011

Norman N. Shelton
Plaintiff
"vs"

PER [Signature]
DEPUTY CLERK

Case No. 4:11-cv-00368 [Signature] [Signature] DB

defendants

Warden Bledsoe et al

Memorandum of Law in support of motion for a TRO and
PRELIMINARY Injunction

Statement of the case:

1.) Norman N. Shelton, an inmate confined in the United States penitentiary, Lewisburg, Pennsylvania, filed the above captioned Bivens action, pursuant to 28 U.S.C. § 1331 presently before the court plaintiff's motion for **TRO** and preliminary injunction
plaintiff was placed in restraint out of reprisal conduct by all the defendants, the restraint were so tight they cut off plaintiff blood **circulation** and damage plaintiff nerves and his left and right wrist. plaintiff want pictures taken of his wounds he received from being placed in restraint to use as evidence. plaintiff seeks a temporary restraining order and a preliminary injunction to ensure that he receive proper medical care.

2.) As stated in the declaration submitted with this motion, the plaintiff was assaulted and attacked by prison staff who injured plaintiff left and right wrist. They refused to treat or otherwise call a specialist for physical therapy. . . for plaintiff upon his request which was denied.

¹ Bivens v. six unknown Agents of the Federal Bureau of Narcotics, 403 U.S. 388, 397 (1971).

3.) The defendants against whom relief is sought are respectively, The prison medical administrator, who is responsible for arranging specialized medical care that cannot be provided in the prison, and the Deputy warden for administration, who is responsible for getting prisoners to their outside medical appointments.

4.) ~~I~~ I am suffering irreparable harm in the form of continued physical and mental pain and suffering and an increasing risk that may never be restored the nerves and my left and right wrist.

Argument. point ①

"plaintiff" is entitled to a temporary restraining order and a preliminary injunction. "In determining whether a party is entitled to a temporary restraining order or a preliminary injunction, Courts generally consider several factors: whether the party will suffer, irreparable injury, the balance of hardship "between" the parties, the likelihood of success on the merits and the public interest. Each of these factors favors the grant of this motion.

Point ② The plaintiff alleges that he has been denied care for a serious medical need contrary to a physician instruction. Such conduct by prison officials is a clear violation of the Eighth amendment, *Estelle vs. Gamble*, 429 U.S. 97, 105, 97, S. Ct. 285 (1976) (nothing that intentionally interfering with the treatment once prescribed, is a form of unlawful deliberate indifference, (see) also cases cited *Elrod v. Burns* 427 U.S. 347, 373, 96, S. Ct. 2673/1976.

"The balance of hardship favors the plaintiff.

In deciding whether to grant TRO's and preliminary injunctions, courts ask whether the suffering of the moving party if the motion is denied will outweigh the suffering of the non-moving party if the motion is granted. (see) e.g. Mitchell-v-Cuomo, 748 F.2d 804, 808 (2d Cir. 1984) and (see) Duran-v-Anaya, 642 F.Supp. 510, 527, (D.N.M. 1986). Holding that prisoner's interest in safety and medical care outweighed state's interest in saving money by cutting staff.

Conclusion:

In this case, The grant of relief will serve the public interest because it is always in the public interest for prison officials to obey the law. Relief should be granted in favor of the plaintiff.

July 3, 11.

Respectfully submitted,
Norman M. Shelton #45969-08
U.S.P. Lewisburg
P.O. Box 1000
Lewisburg Pa. 17837

United States District Court
For the
Middle District of Pennsylvania

Norman N. Shelton
Plaintiff

"vs"

defendants

Warden Bledsoe et al

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Case No. 4:11-cv-00368 MM-DB
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:

Clerk of Courts,

May I depend upon you to use your acute professionalism and place your undivided attention on this very urgent request?

Urgent Reason and Request: "An inmate on my rang flooded the rang I was asleep my legal papers were on the floor and all my copys were destroyed. I've just mailed you the following motions could you please make copys of the following motions?"

① Declaration in opposition to defendant's motion for summary judgment? ② plaintiff's statement of disputed facts and issues? ③ Brief in opposition to defendant's summary judgment motion ④ There are genuine issue of material fact that preclude summary judgment for the defendant on the plaintiff use of force claim.

(July 3, 2011)

Respectfully submitted
Norman N. Shelton #45969066
U.S.P. Lewisburg
P.O. Box 1000
Lewisburg Pa. 17837

Inmate Name: Norman V. Shelton
Register Number: 45969-066
United States Penitentiary
P.O. Box 1000
Lewisburg, PA 17837

msk

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Office of the Clerk

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DEPUTY CLERK
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U.S. Courthouse, Suite 218

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